

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
June 11, 2019 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Peter Michel, Secretary Ronald Belinko, Council Member Sharon Brienza, Town Solicitor Seth Thompson, and Town Clerk Matt Amerling. Town Manager Debbie Botchie was absent.

1. CALL MEETING TO ORDER

Mayor Bob Gordon called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

Mayor Bob Gordon stated everyone was present except for Town Manager Debbie Botchie.

4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

A. Adoption of Town Council Minutes – May 14, 2019

B. Adoption of Town Council Workshop Minutes – May 28, 2019

C. Adoption of Town Council Executive Session Minutes – May 28, 2019

Secretary Ronald Belinko motioned to adopt the May 14, 2019, Town Council minutes, the May 28, 2019, Town Council Workshop minutes, and the May 28, 2019, Town Council Executive Session minutes. Council Member Sharon Brienza seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Peter Michel

A. May 2019

Treasurer Peter Michel read the Financial Report for the month ending 5/31/19.

May 31, 2019:

General Revenue: \$ 291,239. Restricted Revenue: \$ 101,593.

General Expenses: 49,306. Restricted Expenses: 7,374.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for May 2019

There were no comments.

MOTION TO ENTER PUBLIC HEARINGS

Mr. Belinko motioned to enter the public hearings at 7:03 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

7. NEW BUSINESS

- A. Public Hearing Notice – Secretary
- B. Written Comments – Town Clerk

Town Clerk Matt Amerling stated there was one comment email regarding the Comprehensive Plan, which was received at 1:28 p.m. today, Tuesday, June 11, and it has been distributed to Ms. Debbie Pfeil, of KCI Technologies, Town Manager Debbie Botchie, as well as all of Town Council; and Ms. Pfeil will read it into record. Mr. Amerling stated there were no comments received for Resolution 20-01.

- C. Discuss Town of Millville Comprehensive Plan – Debbie Pfeil, KCI Technologies

Ms. Debbie Pfeil, of KCI Technologies, stated KCI and the Town requested public comments, had only received one (1) set of comments as of one-thirty p.m. today, and these comments were not addressed in tonight's presentation as KCI waited until twelve noon (12 p.m.) before creating this slide show. Ms. Pfeil stated there are not a lot of action items on this comment letter but Ms. Pfeil will address the comments tonight. Ms. Pfeil stated the email from Laurie Dohanich MacDonald reads, "First, I would like to commend the team that worked on this Comprehensive Plan. It is thorough, understandable, and provides a wealth of information. But, (always a but): I cannot fathom how a plan of this importance and value, does not have any Goal or Recommendations related to Chapter 4 – Population and Housing. What are Millville's future Goals for our population and housing? Do we 'want' growth, decline, or steady state? The maps and report indicates limited open space, travel roadways, and services. I would vote for limited growth. Are we going to do anything to encourage racial diversity, a wide age range in our population? I would vote to institute plans to achieve better diversity in race and age. Are we going to approve every new developments that applies? I would vote for a limited approval plan. Are we going to ensure the small town atmosphere is maintained by limiting the volume of new housing? Already, the small town atmosphere is in danger of being lost. Are we going to interface with Ocean View to insure their growth does not negatively impact the density of population in our mutual area of Route 26 / to the Bethany Boardwalk? I would vote to work together to limit the growth. The Fenwick Island area is an example of unchecked growth. What was a sleepy little water town is now unrecognizable with the size of 'Bayside' and other communities filling the roads, stores, and area with solid congestion and a mini-Rehoboth atmosphere. I hope that is not what Millville is aiming for, but there is no indication in the Plan of what the goals or recommendations are. I understand these questions are coming from one of the housing developments that are creating the 'overcrowded issue,' but whereas Millville appealed to us in 2017, without some limitations on the new developments (in both Millville and Ocean View), the atmosphere we so dearly enjoy now, will be gone. In addition, in either Chapter 7 or 8, or other, there should be a Goal and Recommendation for increased recycling. I apologize for delivery on the final day of comments, but I just saw the article referring to this plan."

Ms. Pfeil stated we'll go over the project update, comments which were received by others in a timely manner, homework and the next steps. Ms. Pfeil stated the scope

phases are to identify resources, data collection, and creation which is completed; kick-off, community outreach and a survey, which was very successful thanks to the Comprehensive Plan Committee (CPC); plan input and draft the plan document, which was well underway; and the plan presentation, public comment, which is closed and the step we're going through tonight, along with what the State requires because of a certification. Ms. Pfeil stated KCI and the Town have completed all of the meetings as proposed and tonight's public hearing; the potential adoption, which is a joint CPC and Town Council meeting, for July or August and it's been pushed back from the original schedule of June, and Ms. Pfeil will go into why because we have to re-submit to the Office of State Planning (OSP).

Ms. Pfeil stated the public comment period was from April 9, 2019, to June 11, 2019, and it's now closed as of noon (12 p.m.) today and they were requested in writing. Ms. Pfeil stated the comments received earlier this afternoon we'll take into consideration for any recommendations Ms. Pfeil will have in the Town's final, which Ms. Pfeil doesn't believe would be something which would have to be open as a public hearing. Ms. Pfeil stated KCI and the Town will look at strategies and make sure some of the comments are considered in there, but a lot of them were statement-driven; and a majority of them can be addressed during the Town's implementation process. Ms. Pfeil further stated if the Town wanted to change the Zoning Code which would limit the density or change the Zoning Code to limit the type of growth, those changes can all be done through the Town's implementation process of zoning ordinances at any time, the comprehensive plan would not have a detriment on it. Ms. Pfeil stated for intergovernmental coordination, which the State requires, we sent everything to Sussex County ahead of time – which is transportation, utilities, sewer – and all comments were included in the Town's original draft, and County was “way ahead of the program with this,” and we have in writing County is fine with the plan, the County provided comments, which KCI included. Ms. Pfeil stated she also sent the plan to the Town of Ocean View and its new town manager, as well as the planning director, on March 20, 2019, and they had no comment on the plan.

Ms. Pfeil further stated the Delaware OSP Preliminary Land Use Service (PLUS) comments include all of the State agencies, so the plan goes in front of all these agencies including DelDOT, the Delaware Department of Natural Resources and Environmental Control (DNREC), the Department of Housing, Department of Agriculture, Historical Preservation, etc., and every State agency is required to provide comments on every municipality's comprehensive plan. Ms. Pfeil stated she called the State agency meeting on April 24, 2019, KCI attended the meeting to represent Millville and comments do not get received for a month later. Ms. Pfeil stated we received the comments May 22, 2019, and, in the written comments, KCI knew it would get one (1) certification issue and the other is just clarification. Ms. Pfeil stated the population projections is a certification issue, meaning we can't move forward, and the housing position; and KCI has some remedies for both. Ms. Pfeil stated there are several recommendations on every plan, some of which are standard, and some of which KCI thinks the Town should include. Ms. Pfeil stated she will go over the PLUS comments, and one of the certification issues is one of the two (2) we have to do. Ms. Pfeil further stated the Town has to clarify the difference – in the 2017

American Community Survey (ACS), the five (5)-year population estimates one-thousand-seven-hundred-nine (1,709) people, but the 2018 Delaware Population Consortium (DPC) estimates one-thousand-twelve (1,012) people in 2050. Ms. Pfeil stated the Delaware group, which uses a mathematical equation to get their number, and the American Community Survey both use estimates and increases it for multiple years; so it's very hard to validate how fast the Town is growing and where it's growing. Ms. Pfeil stated the Town has a lot of site plans, a lot of development happening so the number given could be higher or lower. Ms. Pfeil stated KCI and the Town have to discuss the difference and determine the most accurate population data for the plan. Ms. Pfeil stated this is a standard comment for a lot of plans because what the DPC and the ACS are forecasting and representing are two (2) different things. Ms. Pfeil stated we have to either pick one or come up with our own number; and Ms. Pfeil never recommends coming up with your own number because we could only go by what structures are on the Town's tax base and it doesn't mean it has to be residential and the population is difficult to track on a municipal level. Ms. Pfeil stated she will meet with OSP and she has talked to Dorothy Morris to say if this is underestimated, we can set a goal to work with the DPC to reconfigure the data so the Town can plan for the future population. Ms. Pfeil stated she can't tell the Town which figure is correct, but she would like to sit down with OSP and the DPC and ask how DPC got this number.

Ms. Pfeil stated the other certification item, which she had a very lengthy discussion with OSP about, is the housing position. Ms. Pfeil stated populations under two-thousand (2,000) are not required to have goals or strategies for housing, so the Town falls under the threshold of the requirement; however, the Town has to have a statement on housing and there is a big push in State to require municipalities to ensure affordable housing components are met. Ms. Pfeil stated one of the measures is if you have a mixed-use development come in, the State would say twenty percent (20%) to thirty percent (30%) of those need to be affordable housing and subsidized through the State programs and that is a local jurisdiction decision. Ms. Pfeil stated this was not brought up in the pre-PLUS a year-and-a-half ago when KCI talked to the State. Ms. Pfeil further stated had that been brought up, KCI would've put it on the public survey or gone through the public meetings to say "is the community wanting to support these measures to promote or give incentives for affordable housing?" Ms. Pfeil stated what KCI is recommending is instead of opening up – in the very end of the document – consensus on and specific measurements on affordable housing, what incentives would you like to give, how much percentage of housing would stop you to require it to be affordable, what is the number of affordable? Ms. Pfeil stated she thought KCI would stick with the goal and it can always be worked on; if the Town wants to provide incentives for affordable housing, workforce housing or for any development, commercial growth, at any time, the Council – through the public process – can create an ordinance to do such and it does not have to be in the comprehensive plan. Ms. Pfeil stated the comprehensive plan should not be specific but rather should be goal-driven and there is an implementation section. Ms. Pfeil stated she felt this goal – and knowing KCI has done this goal in other jurisdictions – the Town is located in the Office of State Housing Authority (OSHA)-defined "areas of opportunity" so there are strong, high-value markets offering economic

opportunity, high-performing schools, and supportive infrastructure to help households succeed. Ms. Pfeil stated the Town encourages and supports a variety of housing types where people of all income levels should be able to afford quality housing. Ms. Pfeil stated the Town will continue to work with developers, non-profit organizations and the Delaware State Housing Authority to support housing for all income levels; and that is what a goal should say – of how you do it, when you do it, and to what degree you do it, is up to the Town through implementation in the zoning. Ms. Pfeil further stated it is either developer-driven or State Housing-driven. Ms. Pfeil stated as we know the market in Millville, the average age of residents was sixty (60) or higher, so it is about the variety of housing, it isn't about affordable housing, [and] it might not be about workforce housing. Ms. Pfeil stated what might work in our beach communities with workforce housing might not work in Millville with a lower employment area/hub. Ms. Pfeil stated KCI crafted this plan and it does meet the State intent through State Planning, and Ms. Pfeil feels this housing position truly speaks on the Town's not stopping anything which hasn't been considered or been brought in front of Council. Ms. Pfeil stated the Town is welcoming and hearing all kinds of housing types and all types of affordability, but the Town is not targeting a certain race, age, income level. Ms. Pfeil stated she felt this is a goal which still met the intent, it's clarified enough to say the Town will continue to work in the manner it has been.

Ms. Pfeil stated as far as the OSP recommendations, they recommend the Town coordinates the Route 26 redevelopment goal with Ocean View, and it's easy to put in the plan so Ms. Pfeil recommends the Town update to encourage partnership and coordination on the initiatives. Ms. Pfeil stated there are negative and positive – the good is the Town has a Town Manager, a planning director – and we should be able to work with municipalities, so this should be on the transportation section to say “we encourage partnership and coordination.” Ms. Pfeil stated these do not have to be in the plan but these are minor one-line changes which can easily be added and they're truly coordination. Ms. Pfeil stated the next comment is to overlay zone for the flood hazard district; and the Town's Chapter 155-15 Flood Hazard District in the Code is actually a floodplain management and not a zoning overlay zone, so we will update the title and clarify the language. Ms. Pfeil stated the next is to prioritize the thirty-five (35) implementation items in the plan, so we have to update the plan to address three (3) to five (5) in the next two (2) years, seeing which ones the Town can afford to address each year. Ms. Pfeil stated some things could get funded by the State or federal government, but, right now, out of the 35 items, what should happen in the implementation section is to have the Town review during its budget process and see what the Town can afford to do the following fiscal year and figure out how to get one (1) or two (2) done at a time, and work toward the next ten (10) years. Ms. Pfeil stated KCI can work with the Town Manager to be able to say, based on State funding or federal funding, KCI feels a couple of these implementations can be achieved within the next two (2) years. Ms. Pfeil stated the Town's priorities, however, could change over the years depending on what comes from State or federal mandates, so we don't want to put the Town in a situation where it says it will do something and don't end up doing it; so there will be the caveat of determining these on an annual basis to the budget process.

Ms. Pfeil stated the Town had really good kudos from DelDOT. Ms. Pfeil stated one of DelDOT's recommendations is to ensure alignment with the County Mobility Chapter, so KCI went to the County and had their chapter aligned with the Town's, there's no crossovers in transportation implementation and therefore, no action needed. Ms. Pfeil stated the other comment was for future coordination comments to be added because we have a new coordinator for DelDOT which goes with the County and the State to come down to talk to the Town about DelDOT issues, but we don't put names in the plan so we will take note of the contact person and know who to contact if any issues come up.

Ms. Pfeil stated the next recommendations came from DNREC, the first one being the redevelopment of Brownfields, so if the Town knows of any Brownfields or underground storage tanks, work with the property owner to list it with DNREC's Marketplace. Ms. Pfeil stated it is up to the property owner to do this; so there's no action really needed on this one. Ms. Pfeil stated the other comment was the climate change and sea level rise; and if you look at the map, the Town is barely affected by sea level rise. Ms. Pfeil stated because of this, DNREC recommends the Town update goals to include discussion of proactive measures to avoid impacts and reference the new DNREC guide, which has these proactive measurements included. Ms. Pfeil stated with the sourcewater protection comment, this is about around the Town's wells and wellhead areas and recharge area protection, and since the Town does not provide the water, most of the towns have a protection mechanism around their town well and water system for the aquifers. Ms. Pfeil stated since Millville does not provide water, and has a private entity out there, the Town does have some excellent recharge areas in the Town's map and we want to update the goal to include it. Ms. Pfeil further stated KCI updated the plan to say "the sourcewater protection should be looked at" – which is another zoning ordinance change should the Town do it down the road – but KCI agrees with the recommendation to include recharge areas. Ms. Pfeil stated the next recommendation comes from the State Historic Preservation Office (SHPO) and it's a reference to no historic buildings being found in Millville. Ms. Pfeil stated there was a person who said buildings dated from 1969 and earlier are considered historic, so the SHPO will work with the Town on eligibility assessments and references to the new statewide plan. Ms. Pfeil stated it is fine if the State wants to come in and do that work, so the Town will put on its plan the coordination with SHPO; the Town is open to the process and this states the SHPO can come and talk with the Town on the matter.

Ms. Pfeil stated the next recommendations are from the Delaware State Housing Authority (DSHA) which likes to hit us with the affordable housing, so this is what they would like to see in the Town's plan. Ms. Pfeil stated she disagrees with the recommendations, but she's not saying not to do these, but, in her professional planning position, she is saying is "these are strategies you're not required to have by law" because the Town population is under two-thousand (2,000), and this is what DSHA recommended. Ms. Pfeil stated she feels each one of these recommendations can be done at any time without going through the comprehensive plan. Ms. Pfeil stated the first one is accessory dwelling units (ADUs), such as in-law quarters/suites.

Ms. Pfeil stated the State is saying affordable housing should be to allow a small ADU on the back, separate (not attached) of the main structure, of the property. Ms. Pfeil stated if the Town wants to go through this process, it needs to go through a public process because it is adding two (2) structures on a home, which can be misconstrued to multi-family. Ms. Pfeil stated an example is if her parents would have to come back and live with her, she would have to do an ADU and if it passed, that's fine; but if she sells the property in five (5) years or so, there are two (2) dwelling units on the property, so the question rises whether it can be sold with the idea of having the second dwelling as a rental. Ms. Pfeil stated there are a lot to go through with ADUs and it's just starting to come out versus attaching to a home, which usually means no cooking facilities, it has a bedroom, a bathroom, there can be a kitchenette – but no cooking facilities. Ms. Pfeil further stated from a developer standpoint and a property owner, when you add a dwelling unit, it means impact fees – water, sewer, etc. – and the Town should also look at parking. Ms. Pfeil stated if a pair of property owners have two (2) cars already and their kids move back home, the number could easily go up to five (5) to seven (7) vehicles. Ms. Pfeil stated this needs to be thought out for the ramifications which could come with it. Ms. Pfeil stated ADUs are something Council could change at any time at any public hearing meeting for a zoning change. Ms. Pfeil stated having ADUs doesn't automatically mean they're affordable; it means whether someone living there for free is charging rent, is it a business, does the Town have to inspect a rental? Ms. Pfeil stated there are a lot of things which go into this aspect.

Ms. Pfeil stated another recommendation was to have employee occupied rental units within the commercial district. Ms. Pfeil stated the State would like it to be specific to say you can only rent to an employee who works in that commercial building. Ms. Pfeil stated this could mean a person can only live there if they work for that business in the building, but what if the person gets another job that's better? Ms. Pfeil tying it together is not something the Town is completely against but enforcement of it is another thing. Ms. Pfeil stated this aspect will beg many questions to be answered such as does the employee have to work there full-time, can it be eligible for part-time, and this kind of enforcement shows a little bit more difficulty. Ms. Pfeil stated another comment was to have an inventory of properties suitable for affordable housing. Ms. Pfeil stated the good news about Millville is every piece of property is zoned residential, the Town is not stopping affordable housing. Ms. Pfeil further stated if someone wants to come in and do affordable housing, workplace housing of any kind, it's still allowing a variety of housing if that's what the developer wants to do. Ms. Pfeil stated if it goes to state subsidy, and they want credit, to have a higher ranking, Council would have to vote to see if it wants to give the letter of support for the State-assisted housing. Ms. Pfeil stated the next comment was inclusionary zoning to include a percentage of affordable housing. Ms. Pfeil stated if someone came in with a mixed use, the Town could say the State requires twenty percent (20%) of it to be affordable housing, and it may not be what the developer wants to promote the project or the clientele; but this is, again, something Council could do any day through a public hearing zoning change, and it doesn't have to be in the comprehensive plan. Ms. Pfeil stated another comment is to approve reasonable affordable housing guidelines and consider long term affordability programs (donated land, etc.). Ms.

Pfeil stated she can't remember the last time there was donated land in Sussex County. Ms. Pfeil stated the last comment was to convert existing housing to long term affordability with programs. Ms. Pfeil stated if the Town has a housing complex now or a subdivision, and a developer wants to come in and the housing complex or subdivision are existing, the developer will never come in to an existing and say they want affordable housing because they've already sold it off and left town. Ms. Pfeil stated these are all strategies and she's giving Council the pros and cons, but, representing the Town, she thinks the Town will say back "so noted" and maybe consider these in the future because they're not currently required.

Ms. Pfeil stated the recommendation from the Delaware Department of Agriculture (DDA) is, regarding the annexation and growth map, to have the State's Agricultural Lands Preservation Program have identified land south and west of the Town boundary. Ms. Pfeil stated the Town got a kudos for having the program on the plan because most people often forget about the program later, and, unfortunately, DDA doesn't provide the layer for free through the State mapping system (it's kept in-house); so KCI took all the mapping layers the State had and applied them. Ms. Pfeil stated there were two (2) areas brought up which are outside of the Town limits, so KCI will respond these are great but they're outside of Millville limits; and KCI will recommend there is no change and next time the maps are redone, we can look at the latest preservation but it's not hindering or hurting the Town now.

Ms. Pfeil stated the next step is to update the plan with the changes we went over tonight, but Ms. Pfeil feels they are minor and if Council has any concerns over the direction we're headed, KCI is staying as neutral as possible and didn't want to put Council in a corner to have to make a decision tonight, they didn't want to put in strategies the public has had a chance to comment upon – especially a topic as big as affordable housing – and KCI would like to update the plan with the changes. Ms. Pfeil stated we will respond the State PLUS letter like they did before, and once we submit the updated plan and the letter to the State, the State has twenty (20) working days to review and receive compliance letter. Ms. Pfeil stated if we were to get it submitted in July, which is our goal, with the 20 working days, it puts us at the end of July, early August, for a Town adoption via ordinance. Ms. Pfeil stated the State would like it put in letter that when the ordinance is adopted there is language "effective upon the governor's receipt of certification," but Ms. Pfeil will speak with Town Solicitor Seth Thompson about this item as sometimes there is a huge delay (six months to one year) and we could have a caveat where the Town adopted the plan but the governor hasn't signed certification. Ms. Pfeil stated if the turnover is smaller and we can get a receipt quicker, it's something we'll look into but it's not effective until receipt of certification. Ms. Pfeil stated the next step is the adopted plan is submitted for the governor's certification, we receive the governor's certification letter, and then we submit two (2) bound and one (1) electronic copies of the adopted plan to the State. Ms. Pfeil stated we give everything electronic – the maps; the Geographic Information System (GIS), even though the Town doesn't use it; the document in Word so small changes may be done internally without having to hire a company to come in and have to redo the entire document. Ms. Pfeil stated working with the Town has been great, there's been a lot of good input, the surveys all came in well, and the

public, community and boards have all had ample time to have prepared and submitted comments.

Mayor Bob Gordon stated this is not the first comprehensive plan Ms. Pfeil has done, but Mayor Gordon is disappointed for the number of concerns and questions from the public; the Town received the one email at 1:30 p.m. this afternoon. Mayor Gordon asked Ms. Pfeil if such a low response is normal from most communities. Ms. Pfeil stated developers will pay more attention to the comprehensive plan because they have certain property they're targeting. Ms. Pfeil stated we didn't change anyone's land use here or anyone's zoning, but stuck to what was in the last plan, sticking to what was good and built upon it with facts and there was nothing "out too far in left field or right field" which would "raise a flag" where a decision couldn't be made by the local jurisdiction further down the road. Ms. Pfeil stated State comment-wise, this is probably the smallest she has seen – she's seen up to fifty (50) pages – so she was happy with the State comments pushing on housing. Ms. Pfeil stated, as far as the public, this plan is a long document, it's a lot to go through, and the general public usually looks at things such as "do we have enough water? Do we have enough sewer?" which the Town doesn't provide. Ms. Pfeil stated the Town doesn't own the roads so it doesn't have the jurisdiction, DeIDOT does. Ms. Pfeil stated the Town did receive Ms. MacDonald's comments on the last day, and she will review them to see if there's any areas she can address, but Ms. Pfeil is not surprised at not getting any written comments and how long it's been; but KCI did take into consideration all four-hundred plus (400+) surveys. Ms. Pfeil stated a lot of people want things to stay the same and a lot of people are concerned about things like transportation, which was put in the document. Mayor Gordon stated he remembers when the comprehensive plan review was being held in 2008, and it seems there were a lot more concerns during that time than now. Ms. Pfeil stated yes, that was at a time when all the land development was happening real fast so everyone was writing their comprehensive plan to protect themselves and everyone was scared to go to mixed use, but look where we are today. Ms. Pfeil stated there's nothing too controversial happening nowadays other than rate of growth, and if the Town is growing, services provided by other agencies will be affected and the Town will have to increase its communication and the times it reaches to agencies like DeIDOT. Ms. Pfeil stated if you decide you want to say no to people coming to your Town, they will just go to other towns like Selbyville, Frankford, or somewhere else; you determine how fast, where and when, the Town grows. Mayor Gordon stated a lot of times with the communities now, the Town is forcing them to go to PLUS, where they can have the water, sewer, etc., tied into one so the Town is not overpopulating or creating more issues, and to make sure the developer has enough water supply, sewer, etc., to build. Ms. Pfeil stated by the Town having a memo of understanding with the State to go through PLUS like all the other towns do, the State has the opportunity to say yes or no, making additional items come up like needing a traffic impact study (TIS). Ms. Pfeil stated she thinks the interoffice and inter-government coordination needs to keep continuing to go up.

Deputy Mayor Steve Maneri asked if the stormwater management was changed since the 2008 plan. Ms. Pfeil stated the only thing the Town puts in there is the recommended by agencies like DNREC – such as recommending putting in the green

infrastructure and using best financial practices because there are so much more nowadays than just having a pond.

D. Residents/Property Owner Comments & Questions

Mr. Dennis Hartline, of Blue Heron Drive, stated he looked at the survey results and there were only two (2) responses for commercial businesses. Ms. Pfeil stated the number was small but the surveys were sent to every business in Town, and if they chose not to fill them out and submit them, we can't force people to respond. Ms. Pfeil stated the number we got back was disheartening but we had to move forward with the people who actually chose to voice their opinion. Mr. Hartline asked if it was such a low response, was there an effort to go back and try to get more responses from them? Ms. Pfeil stated we sent reminders out via email, we did go through the Chamber of Commerce as well, all of the meetings were open to the public, so at any time we could have had commercial businesses come in with their comments. Mr. Hartline asked if there were any proactive effort to get the businesses responses. Ms. Pfeil stated she would say proactive is emailing it to them individually and reminding them twice, which is what we did. Mr. Hartline asked who is accountable for implementing goals in the plan. Ms. Pfeil stated it is law by State Code to have the plan adopted by Council, and can be enforced or implemented by assigned parties. Ms. Pfeil stated everything having to do with implementation comes through Council for making a decision, and then it depends on what funding is available to continue with implementation. Mr. Hartline asked if it will be a part of the budgetary process to see what items on the plan can try to be implemented each year. Town Solicitor Seth Thompson stated Mr. Hartline has two (2) things mixed up; first, in terms of things such as the Town maps, after the comprehensive plan is adopted, the Town has eighteen (18) months to update its maps through an adoption of an ordinance, and that is a requirement. Mr. Thompson stated the other is the implementation strategies and goals, where there is more flexibility there which are subject to funding and prioritizing. Mr. Thompson stated those goals are what you would look at each year in the budget process. Ms. Pfeil stated the State requires an annual report every July 1 on every item in the Town's comprehensive plan, otherwise you are not subject to receive State funding.

Mr. Dave Moeller, of Blue Heron Drive, asked how often the comprehensive plan has to go through this update. Ms. Pfeil stated every ten (10) years. Mr. Moeller asked if the State made recommendations for affordable housing but it's not required. Ms. Pfeil stated yes. Mr. Moeller stated if it's not required then why does the Town have to put it in the plan. Ms. Pfeil stated the Town will only be measured by the goal, which was recommended, and we're not getting measured by each of the strategies. Mr. Moeller asked why include the strategies. Ms. Pfeil stated we are not including the strategies but we have to include the goal and the goal is enough to say the Town will continue to work toward affordable housing in all income brackets. Mr. Moeller asked if the Town has to include the goal. Ms. Pfeil stated yes, it's a certification issue.

Mr. Frank Vigna, of Blue Heron Drive, asked Ms. Pfeil if she could be more specific with regards to what multi-family housing is. Ms. Pfeil stated it can be interpreted in different jurisdictions in different ways; some jurisdictions say a duplex or a twin can

be considered multi-family, while other jurisdictions may say townhouses of three (3) or more, or apartments connected or multiple units are considered multi-family. Mr. Vigna stated he meant to ask what mixed-use means. Ms. Pfeil stated mixed-use is a variety of housing styles/products, such as a mix of single family homes, twins/duplexes, multi-family (meaning townhouses or apartments), and adding a commercial component.

Ms. Valerie Faden, of Beach Plum Drive, stated she has comments on the plan and would like to read them into the record. Ms. Faden stated on page fourteen (14), the vision and goals state that there is an intention to grow in a manner consistent with town values but there is no list of what those values are, so she doesn't understand what the values are if they're not listed. Ms. Faden stated she would recommend taking that phrase out or putting a colon and listing the values to the vision and goals. Ms. Faden stated there is also the intention to protect the quality of environmental resources but the subsequent recommendations do not include this specific, important aspect of the visions and goals for the town until chapter eight (8). Ms. Faden stated she was looking at page thirteen (13), the goals and recommendations do not mention coordination with DNREC or any environmental preservation agency or organization – but recommend adding section 1-10 to promote, encourage and consult with environmental protection agencies and with respect to intergovernmental coordination. Ms. Faden stated on page seventeen (17), the goals and recommendations don't include environmental protection – but she recommends adding an item at 2-7 to include environmental preservation /protection for streetscape improvements. Ms. Faden stated on pages twenty-six (26) to twenty-seven (27), the goals and recommendations don't include environmental protection – and she would recommend adding a goal at section 3-4 to state that that the provision of community services should be achieved with the least harmful environmental impacts to public health, wetlands, watersheds, and natural habitats in Millville and a recommendation at section 3-6 should be added to promote and encourage renewable energy as a means to achieve the protection of the quality of environmental resources consistent with the overall vision & goals in Millville. Ms. Faden stated on page forty-four (44), an economic development goal could be added at section 5-5 to develop environmentally friendly designs, the preservation of trees and open spaces, and the incorporation of renewable energy alternatives as economic development elements ensuring the protection of the quality of environmental resources within the Town of Millville. Ms. Faden stated a recommendation should be added at section 5-3 that to mitigate the potential harmful public health and environmental impacts of increased economic development, natural resources conservation, green infrastructure (DNREC) environmentally friendly designs, natural buffers and water management strategies should be promoted and encouraged wherever possible. Ms. Faden stated to add section 5-6 to adopt agricultural/open space zone policies that ensure developed parcels are large enough to preserve the character and function of farms and environmentally sensitive lands. Ms. Faden stated to add section 5-7 for Town of Millville to partner with adjoining towns, businesses and/or civic groups for environmental resource preservation and sustainability projects and small beautification projects that may include storm water management, flower plantings or holiday decorations. Ms. Faden stated to add section 5-8 to prohibit development on

previously undeveloped land where the elevation is lower than the elevation of the 100-year flood plan as defined by FEMA. Ms. Faden further stated to add section 5-10 that street lights and commercial lighting directs light to the streets to preserve dark skies. Ms. Faden stated on page fifty-three (53) to add a goal at section 6-9 to ensure that there is an adequate supply of bike racks or other bike parking facilities within the Atlantic Avenue business district. Ms. Faden stated to add a goal at 6-10 stating that pedestrian, bicycle, transit, and green infrastructure is required to be considered for inclusion in all new road construction, reconstruction, or maintenance projects. Ms. Faden further stated to amend recommendation 6-3 for the Capital improvements plan to include green infrastructure and electric vehicles. Ms. Faden stated on page sixty-three (63) to add section 8-12 to promote and encourage the commercial and residential use of renewable energy sources and green infrastructure through the development of property tax abatement programs. Ms. Faden stated to add a recommendation at section 8-13 to Conduct a municipal energy use inventory and identify investments to improve energy efficiency. Ms. Faden stated to add a recommendation at section 8-14 to adopt a community-wide goal for improving energy efficiency and track progress toward the goal over the long term. Ms. Faden stated to add a recommendation at 8-15 for the Town of Millville to produce energy from renewable sources as a part of standard operations and/or as part of a community renewable energy project. Ms. Faden further stated on page sixty-five (65) to add a goal 9-4 Section for the Town of Millville to incorporate the use of solar energy in the proposed Millville Town Park building. Ms. Faden stated on page seventy (70) to incorporate the use of green infrastructure into recommendation 10-1. Ms. Faden stated at page eighty (80) to amend goal 11-2 as follows: manage future development in a manner that promotes the preservation and protection of environmental resources as well as the small town character desired by the residents. Ms. Faden stated to amend 11-3 as follows: “As Millville grows, it will be important for the Town to review its ordinances and to review the services it provides to ensure that the Town keeps pace with services demanded by growth *and to ensure the balance between growth and the preservation of farmland and open space is maintained.(emphasis included)*”

Ms. Pfeil stated half of those are things which can be done through the zoning ordinance process and don't need to be applied at this time via the plan and she would like to address the other half of these items but, unfortunately, this comment list was not given to her or the Town for review as requested prior to this moment at tonight's meeting. Mr. Thompson stated it makes sense to him – but it's ultimately up to Council – Ms. Pfeil be given time to review and respond to these comments. Ms. Pfeil stated some of the comments such as solar is operational and doesn't have to get done tonight, but she can look through some of these and see if any apply to the comprehensive plan but if she finds anything that would teeter and not flow with the plan, Ms. Pfeil could bring back before Council.

- E. Discuss Resolution 20-01. Synopsis: Resolution 20-01 will amend the Charter of the Town of Millville, Section 31, as amended, entitled “Enumeration of Powers,” subsection (A), regarding a lodging tax. This amendment will impose and collect a lodging tax of no more than 3% of the rent, in addition to the amount imposed by the

State pursuant to Title 30, Chapter 61 of the Delaware Code, for the occupancy of any room or rooms in a hotel, motel, or tourist home which is located within the boundaries of the Town.

Mr. Thompson stated he mentioned to Town Manager Debbie Botchie it would be a good idea to have this resolution held by a public hearing even though it's not required by law because whenever you're considering a charter change, the public should have the opportunity to comment. Mr. Thompson stated this isn't a large charter change but it's still good to notify and open up for transparency. Mr. Thompson stated the Town Charter has a section which lists the enumeration of powers for Town Council, which basically is the State government saying what local government is allowed to do; and Council is not required to do it but can do it if it so chooses. Mr. Thompson stated one of the items which has become fairly common in the area for towns is the ability – not the requirement – to charge a lodging tax akin to what the State charges. Mr. Thompson stated if the State charges an eight percent (8%) lodging tax on hotels, motels, and tourist homes – with a tourist home being defined as “any person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and *which has at least five (5) permanent bedrooms for the use of tourists or transient guests, but which does not have cooking facilities for the use of tourists or transient guests.* (emphasis added.)” Mr. Thompson stated he doesn't think Millville has a hotel, motel or tourist homes. Town Clerk Matt Amerling stated no, the tourist home is basically a bed-and-breakfast, and the Town doesn't have them. Council Member Sharon Brienza stated yes, the Town does have them (bed-and-breakfasts). Mr. Amerling stated if Ms. Brienza thinks so, Ms. Brienza would have to tell Town Code & Building Administrator Robin Caporaletti about it and check with her as it falls under Ms. Caporaletti's purview. Mr. Thompson stated this resolution would be requesting the Town's State Senator and State Representative sponsor a bill that would amend the charter of Millville to allow for this inclusion of up to a three percent (3%) lodging tax on those particular items. Mr. Thompson stated the way this would go forward is the legislature would have to pass the bill and, if the Town then elected to adopt an ordinance, implementing the tax, the Town will have to go through that process and if the Town chooses to implement the tax, it could be 3% or it could be lower, such as one percent (1%). Mr. Amerling stated, to clarify, if this resolution is passed tonight and it's passed in legislature, this doesn't mean the lodging tax will start right away, but rather it gives Council the right to adopt an ordinance to set a lodging tax when the Town wishes to do so. Mr. Thompson stated yes, and what is currently in the Town Code is the gross rental receipt (GRR) tax which specifically exempts any person from paying the lodging tax, so a person would not be hit with both taxes – a person would either pay the GRR or pay the lodging tax.

F. Residents/Property Owner Comments & Questions

Mr. Dennis Hartline, of Blue Heron Drive, asked why this resolution doesn't include residential rental units. Mr. Thompson stated the individual residential home would fall under the Town's GRR tax just like a commercial property would because it's not under the State Code definition of a tourist home, or a hotel, or a motel.

Mr. Glen Bonderenko, of Flagstone Lane, asked what the current tax amount is for residential rentals. Mr. Amerling stated the GRR tax is two percent (2%) so every two (2) periods per year – with one period being for seven (7) months and the other period being for five (5) months – and the renter takes the grand total of rent money they collected during those periods, multiply the sum by 2% and whatever the sum is, they owe the Town. Secretary Ronald Belinko stated the town of Milford has already adopted this type of resolution for its charter, and Milford just opened up a hospital. Mr. Belinko stated since Millville has an emergency center coming, the Town can expect just as much growth headed our way so this is for looking to the future and making it so the Town doesn't have to do any extra last-minute measures to get this enacted.

Ms. Valerie Faden, of Beach Plum Drive, stated, regarding the comprehensive plan, there was an email distributed on June 4, 2019, stating on June 11, following the mural unveiling, at 7 p.m., the Town will receive written comments on the plan until June 11, and the comments may be submitted by hand delivery or email, but there is nothing in this email about submitting comments by noon.

MOTION TO CLOSE PUBLIC HEARINGS

Mayor Gordon motioned to close the public hearings at 8:08 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

8. NEW BUSINESS

- A.** Review and possible vote on Town of Millville Comprehensive Plan.
- Mayor Gordon requests individual vote

Mayor Gordon motioned to table the Town of Millville Comprehensive Plan so Ms. Pfeil could review comments submitted. Mr. Michel seconded the motion. Motion carried 5-0.

- B.** Review and possible vote on Resolution 20-01.
- Mayor Gordon requests individual vote

Ms. Brienza motioned to adopt Resolution 20-01. Mr. Michel seconded the motion. Motion carried 5-0.

- C.** Discuss a request by Mr. Richard Bloch for Council's consideration to amend the Town Code at 155-13, the C-1 Town Center Commercial District, Subsection B – Permitted Uses, to include a performing arts theater.

Mr. Richard Bloch, of Dickens Parlour Theatre, stated Dickens Parlour Theatre has been honored to serve as a member of the Millville community for ten (10) years, and it celebrates the tenth anniversary of their first show this coming Monday. Mr. Bloch stated early on, they founded a resident theater company, the Bethany Area Repertory Theater (BART), which has performed many original shows over the years. Mr. Bloch stated Dickens as hosted live performances on numerous occasions by Harry Anderson,

of *Night Court* fame, winners of Drama Desk Awards, and we showcased a show which went from Dickens to “Off-Broadway” and played three hundred (300) performances. Mr. Bloch stated Dickens has also paired with local elementary, middle and high schools in presenting choral recitals, and in two (2) instances, an original musical. Mr. Bloch stated in 2016, a Turkish concert pianist traveled from Istanbul to join us for a weekend of international music. Mr. Bloch further stated Dickens has made annual contributions to local high schools for students planning a career in the performing arts, and one of their first hires when they first opened stayed with Dickens through high school, went to McDaniel College on a scholarship sponsored by Dickens and is now a managing director of the Lyric Theatre in Stuart, Florida. Mr. Bloch stated Dickens has joined with local institutions such as Contractors for a Cause and national groups such as Habitat for Humanity; in short, Dickens has been active, productive and a sharing member of the Millville community.

Mr. Bloch stated he’s here to ask Council to recognize theatrical entertainment as a permitted use in the C-1 Commercial section of the Town Code. Mr. Bloch stated since 2010, and for every year thereafter, Dickens Theatre has operated conditionally, under a “conditional use” permit, issued by Millville, which means Dickens’ continued existence is subject not only to its remaining in compliance with any applicable “permitted use” provisions in the Town Code, but with any other rules and requirements that may be imposed from time to time by the Council. Mr. Bloch stated an example is, early on, Dickens saw a way to expand their seating capacity by two (2) seats. Mr. Bloch further stated notwithstanding obtaining the necessary building permits and the approval of the Fire Marshal, among other items – steps entirely reasonable and required of anyone – Dickens, unlike virtually any other establishment in Town, was required to solicit formal approval from Council to expand from fifty (50) to fifty-two (52) seats. Mr. Bloch stated he doesn’t question the necessity of going that route, given the absence of any provision in the Code for a theatre/cinema operation, but that’s why we’re here this evening. Mr. Bloch stated Dickens notes in passing any express provision for “conditional use” permits, such as ours, has been recently entirely removed from the Code, and we’re not entirely clear as to the legal impact of that change; but for our purposes before Council this evening, it doesn’t matter. Mr. Bloch stated he is requesting tonight Council take action to modify the Code to accommodate theatrical, live theater and cinema productions so as to clearly incorporate what Dickens has been doing, and what has been approved for Dickens, every day since we opened our doors.

Mr. Bloch stated the action will respond to Dickens’ “twisting-in-the-wind status” but, in the larger context, it will be a meaningful codification of this Town’s already apparent commitment not solely to retail and residential concerns, but also to the arts, entertainment and community participation part of life at the beach. Mr. Bloch stated as attorney Robert Witsil observed in his May 10, 2019, letter to Council: “the addition of the type of permitted use we seek is consistent with the stated purpose of the C-1 District to provide mixed-use commercial facilities in Town and it is compatible, as well, with other permitted uses in Section 115-13 of the Town Code, which include art galleries, restaurants with beverage service regulated by the Delaware Alcoholic Beverage Control (ABC), indoor and outdoor amusements, meeting halls, and business

centers.” Mr. Bloch stated he shares the views of residents and merchants alike that Millville can be more than a spate of retail shops and residences on the way to Bethany Beach. Mr. Bloch stated this Town’s 2008 Comprehensive vision statement announces the Town’s support for positive growth which contributes to improvements in the quality of life and makes Millville a more pleasant place to live for current and future residents. Mr. Bloch stated the proposed 2019 Comprehensive Plan update vision statement, at page seventeen (17), reiterates the goal set forth in the 2008 plan to “create an overall community character that is unique from surrounding communities,” and, at page seventy-two (72), encourages the Town’s flexibility in updating the zoning code to “provide and encourage new uses and community growth.” Mr. Bloch stated what we see happening now, through the careful consideration and planning by Millville, is the maturing of this area into a destination in and of itself. Mr. Bloch stated he is asking Council take steps now to both recognize and formalize the mutually supportive relationship that has existed between Dickens Theatre and our community over the last decade, while, at the same time, recognizing the power, the vitality and the promise of a community that formally welcomes the performing arts into the mix of its citizens’ daily lives.

Mr. Thompson stated about two (2) or three (3) years ago, Council simplified the Code in terms of different uses in the districts, so there is a list of permitted uses and those uses still have to go through the site plan process, but they’re allowed to have the particular use. Mr. Thompson stated the Code used to have a listing of conditional uses available for any given district, but the difficulty with having those was they were somewhat limiting and people got a little more creative in terms of how they’d like to use the property. Mr. Thompson stated at the time, those years ago, Council made the decision to basically say anything which is not permitted but also not specifically prohibited per the Code would be subject to a conditional use application, and people operating under conditional use permission still have said permission. Mr. Thompson stated the reason you don’t see a list of conditions in C-1 or C-2 is because you can apply for a conditional use in any district as long as that use is not specifically prohibited. Mr. Bloch stated he thinks he understands the outline of what Mr. Thompson said but his suggestion is it’s irrelevant to what he is requesting, which is formal recognition in the Code like everyone else. Mr. Thompson stated the net effect to that is if it’s no longer a conditional use and C-1 allows performing theaters, even though the market wouldn’t allow for it, the Town could have a row of theaters and they’d be permitted with only the usual site plan review. Mr. Thompson stated he thinks Mr. Bloch was right in terms of his thinking to compare what is in the C-1 district now as a permitted use and compare the intensity of those uses to what he is suggesting. Mr. Thompson stated we are dealing with a legislative question here so Council can think it over and it can be subject to a public hearing because it would be in the zoning code. Mr. Thompson stated a permitted use has been determined by the fact that the use “fits in the area,” they’ll work out OK; whereas conditional uses are more like “they probably fit in the area but we need to look and make sure whether we may need to attach conditions to the use so the use doesn’t negatively affect the neighborhood or the Town as a whole.” Mr. Thompson stated performing arts venues can bring up a traffic issue because of people consistently coming and leaving. Mr. Bloch stated he understands Mr. Thompson’s points, but Dickens has operated for ten

(10) years and we think it's a "no risk jump" for the Town to conclude Dickens should also be enumerated as one of the Town's welcomed enterprises. Mr. Thompson stated something for Council to consider is once something like this is a permitted use, anyone in the C-1 district can ask for the use. Mr. Belinko stated yes, this not only applies to Dickens but anywhere in Town zoned C-1. Mr. Bloch stated for Council, there is always an upside for communities who welcome a wide variety of enterprises, and no one has attempted to build a theater in the past ten (10) years. Mr. Thompson stated a person could have gone through the same process Mr. Bloch did because ten (10) years ago, one of the conditional uses listed in the Code was for performing arts, and while there have not been theaters requested in the past ten (10) years it's could be because such a use was conditional and not permitted. Mr. Thompson stated if Council is considering legislating this item, it is important to research the definitions of uses and if Council feels performance arts theaters need to fit within certain parameters, Council may adopt the permitted use with the definition setting limits on said use, such as having a certain amount of seats, etc.

9. CITIZENS' PRIVILEGE

There were no comments.

10. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., June 25, 2019, at 6 p.m.

11. ADJOURNMENT

Ms. Brienza motioned to adjourn at 8:25 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk